

Appl. No. 10/070,106
Amdt. dated May 19, 2004
Reply to Office action of January 20, 2004

REMARKS

Reconsideration is respectfully requested. Claims 1-13 were present in the application as filed. Claim 5 is amended herein, new claim 14 is added.

Claims 1-13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application publication US2003/0055870 (Smethers). Applicant respectfully traverses this rejection.

The Examiner's position in making this rejection is that the Smethers document discloses the same invention as claimed by applicant. The Examiner lists specific comments regarding each of the various claims. Applicant respectfully disagrees with this view and traverses for the reasons noted below.

The system of Smethers is directed not to a purchase of software but merely to a browsing of information. Smethers aims to provide "improved approaches to enable a wireless client device to implement bookmarks with improved transmission efficiency, less navigation actions and/or reduced amounts of memory resources" (see Smethers paragraph 0013).

Applicant's invention is directed to a purchase of software. Purchase-requested software or software for purchase is not directly sent to the user but is instead sent to a storage server where the user has his own storage area (reference item 97 in Fig. 4 of the present application). The

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body of software is stored in the user-dedicated storage area or common storage area (reference item 95 in Fig. 5 of the application) in the storage server. In the case where the software is stored in the common storage area, identification information associated with the purchase-requested software is stored in the user dedicated storage area. With these arrangements, it is possible for a user of a portable data terminal to deal with the problems regarding its limited space of storage.

In making comparison between Smethers and Applicant's invention, the "proxy server device" and the "bookmarked document" in Smethers correspond to the "storage server" and "software" in Applicant's invention respectively.

In the Smethers teachings, bookmarks for each user are stored in the proxy server. However, in Smethers, the storing of "bookmarks" into the proxy serves has nothing to do with the purchase of software at a sales server, but is performed based on the user's operation from personal computer 128 or wireless client device 100 accessing the proxy server (see Smethers, paragraph 0051).

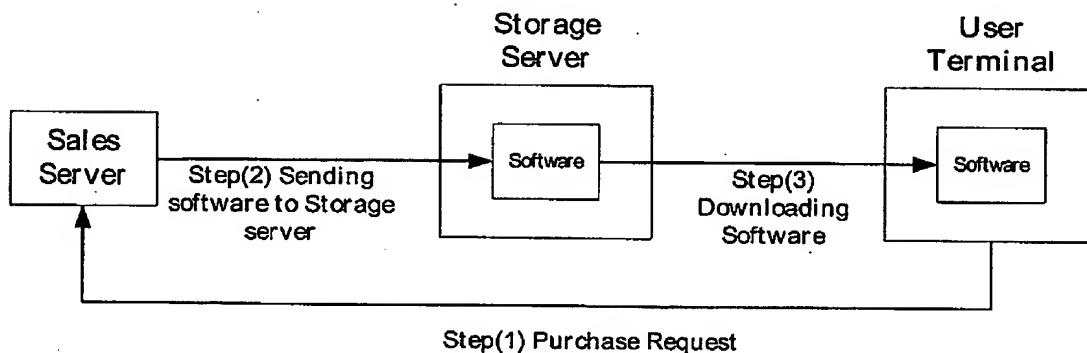
Further, Applicant's "software" is sent from the sales server or any other site to the storage server for being stored therein for allowing the user to download it later into his or her client device, whereas the Smethers' "bookmarked document" is not stored in the proxy server but only passes through the

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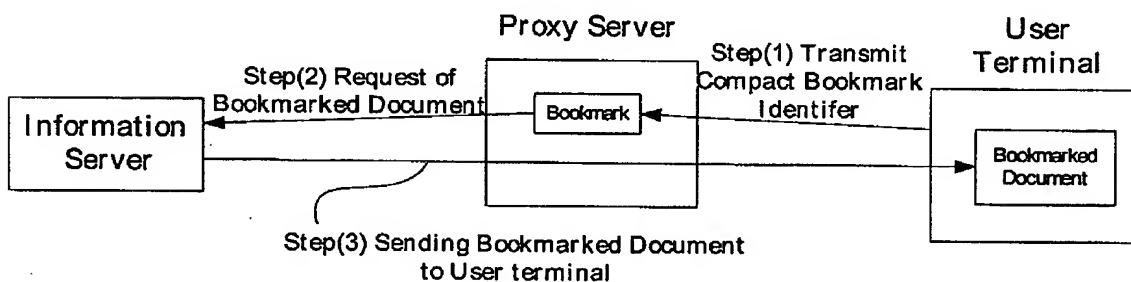
proxy server to the user site each time the document is requested from a user (Figs. 8 and 9).

A drawing figure is included below, to illustrate differences between applicant's invention and the teachings of Smethers.

Applicant's Invention



Smethers



Thus, it is apparent that the Smethers reference fails to show Applicant's invention.

Applicant therefore respectfully submits that the claims are neither taught nor suggested by Smethers.

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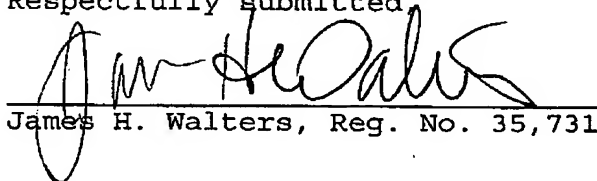
Claim 5 is amended herein to correct a mistranslation from the Japanese priority document. This correction is apparent from study of the claim and the specification.

New claim 14 is added herein to claim a further feature. This claim is also submitted to be allowable.

The other art made of record and not relied on is believed to not have any bearing on the patentability of the claims.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted


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